

Serial No.: 09/933,615

Attorney Docket No.: 2001P15259US

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Upon entry of the instant Amendment, Claims 1-18 are pending. Claims 1, 3, 4, 6, and 7 have been amended to more particularly point out Applicants' invention.

Claims 1-18 were rejected under 35 U.S.C. §102(e) as being anticipated by Ma et al., U.S. Patent No. 6,795,867 ("Ma"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single, prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Ma.

As discussed in the Specification, some embodiments of the present invention include a plurality of Internet Protocol voice networks, such as telephony over LAN (ToL) networks, including primary gatekeepers. A Service Provider may maintain a backup gatekeeper for each of the ToL networks. Access to the backup gatekeeper may be a subscription service provided by the service provider. The backup gatekeeper maintains a database associated with all the ToL networks it provides backup service to. A proxy server or router receives all gatekeeper requests and first tries to forward the request to the primary gatekeeper. If the appropriate gatekeeper fails to respond, the proxy server or router forwards the request to the backup gatekeeper, which, if the user is a subscriber, handles the call.

Thus, claim 1 has been amended to recite "wherein access to the backup gatekeeper is provided by subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of particular ones of the plurality of local VoIP networks;" claim 4 has been amended to recite "wherein access to the backup gatekeeper is provided by subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of the individual ones of the plurality of local VoIP networks;" claim 6 has been amended to recite "wherein selection of individual ones of said local gatekeeper modules is based on subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of individual ones of a plurality of local VoIP networks;" claim 7 has been amended to recite "wherein access to individual ones of said local gatekeeper modules in the backup gatekeeper is provided by subscription of

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users to a VoIP provider to provide backup services separate from a subscription to provider services to users of the individual ones of the plurality of voice over packet networks;" claim 11 recites "providing backup gatekeeper services from a backup gatekeeper if any of said local gatekeepers are determined by an associated router or proxy server to not be available and a user of a not available local gatekeeper is determined to be a subscriber to backup gatekeeper services;" claim 14 recites "said backup gatekeeper configured to provide gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing one of said local VoIP networks is not available and a user of said one of said local VoIP networks is a subscriber to backup gatekeeper services;" and claim 16 and 17 recite "providing a backup gatekeeper, said backup gatekeeper configured to provide gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing said local VoIP network is not available and a user of said local VoIP network is a subscriber to backup gatekeeper services."

In contrast, as discussed in response to the previous Official Action, Ma relates to a Load Management Unit (LMU) which is typically provided on each gatekeeper in a network or on each gatekeeper in a variety of networks. Ma nowhere, however, provides that backup services can be provided on a subscriber-only basis, as generally recited in the claims at issue.

In addition, Applicant notes that paragraph 6A of the Official Action states "since the details of how the subscription is performed is not claimed, and Ma teaches that the backup services is provided to a user who generates a call set up to and is registered with a local gatekeeper when the local gatekeeper become available, i.e., a call is redirected from an assigned local gatekeeper to a servicing/backup gatekeeper... therefore the limitation of each of the amended claims..."

Applicant respectfully submits that the claims, as amended, recite "subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services;" other claims recite that users of the local VoIP network are subscribers to backup gatekeeper services. Thus, the claims provide that backup services are a service that a user can subscribe to separately from simple provisioning

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services. Thus, even assuming that Ma teaches all the remaining elements of the claims invention, Ma does not include such features.

In addition, Applicants note that claims 2-5, 7, and 15-18 recite storing or maintaining local gatekeeper profiles in a database. As discussed in the Specification, these can include determining which services are available for a particular subscriber and whether any customer-specific limits apply. Applicants respectfully submit that such features are neither taught, suggested, or implied by Ma, nor are they inherent. Indeed, since Ma does not provide for a subscriber-based system, there is no reason for Ma to provide such local gatekeeper databases. As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Finally, paragraph 6B of the Official Action states that "features upon which applicant relies...are not recited in the rejected claims." Applicants respectfully disagree. Claim 2, for example, recites "wherein said backup gatekeeper is configured to maintain local gatekeeper profiles in a database," and claim 15 recites "said backup gatekeeper is configured to maintain local gatekeeper profiles in a database and access said local profiles when a corresponding local gatekeeper is unavailable," features relied on in Response to the previous Official Action and not found in the art at issue.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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